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A
S P E E C H

MADE BY
SIR WILLIAM SCROGG,

ONE of

His Majesties

SERJEANTS at LAW,

To the Right Honourable the
LORD HIGH CHANCELLOR
Of *ENGLAND*,

At his Admission
To the Place of one of His Majesties Justices
Of the Court of

COMMON-PLEAS.

EDINBURGH,
Re-printed in the Year, M.DC. LXXVI.

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SIR WILLIAM SCROGG
HIS
S P E E C H.

MY LORD,



That the King's Favour is the effect of the duty I have paid Him, (which your Lordship is pleas'd to call Service) is the most welcome and pleasing part of His kindness; and I trust We shall see still such times, that no man shall hope to have it, or keep it on any other account. The right application of Rewards and Punishments, is the steady Justice of a Nation; where, though the Rewards of Kings exceed what a Subject can merit, they should never reach him that demerits. To return Good for Evil may be an obligation of Charity; It is never of Bounty. And the taking off (as they call it) of an Ambitious, and therefore a Factious man, by Favours, is the worst way to stop or open his mouth; for he will whisper one way louder, than he will speak the other: And when you think you gain one Enemy, you make many.

On such an occasion as this, I think it very proper to give your Lordship some account, what considerations I have had, in order to the discharge of my duty in this place, since the King's first intimations of His pleasure.

And that respects Matters, either as they stand betwixt the King and his People, or betwixt Man and Man.

For the first, I know that the Law gives such Prerogatives to the King, that to endeavour more were to desire worse; and it gives to the People such Liberties, that more would be licentious.

What then hath a man to do that hath Courage enough to be honest, but to apply his Understanding to the Ministration of those Laws justly to both: Wherein I may say, that the Cases will be rare that will be difficult in themselves. They may be made so from sinister Causes; when men thinking to serve a Turn, or like *Pilate*, to please the People, deliver up that which is right to be crucified. Then they are fain to rack their Fancies to make good their Faults. This makes such nice Distinctions, and such strained Constructions, till they leave nothing plain in the world. Whereas in truth, the Duty we owe to the King and his People, is like the Duty we owe to God, not hard to understand, whatever it is to practise.

This Court, my Lord, 'tis true, is properly a Court of *Mens* and *Tuum*, where Prerogative and Liberty are seldom Plaintiffs or Defendants. But yet 'tis certain, that even in private Causes, matter of Government many times intervenes, and the Publick is concerned by Consequence. And therefore I think it fair, and like English honesty and plainness, something to unveil one's self in that particular, that men may know before-hand what they may expect. And herein I do declare, I would no more wrong or lessen the People's Liberties, than I would sacrifice up my Son. But then I will no more derogate from the King's Prerogative, than I would betray my Father.

My Lord, In times when Faction is so bold as to be barefac'd; and false and seditious News is openly talk'd, and greedily embrac'd; when the King's reasonable Demands are disputed, and turned into Cavils, and those that oppose 'em talk confidently; and those that should maintain 'em speak fearfully and tenderly; when the Reverence we owe to the King

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King is paid to the People; the Government is beset, the King is in danger, and there is nothing wanting but opportunity.

But when to prevent that opportunity, men are afraid, and hold it dangerous to avoid the danger; when we dare not call a Crime by its right name; and for some, find none; and a Mischiefe must be effected before we will think it one: When dangerous attempts are minc'd, and by some trivial difference Treason is distinguished into a Trespass; when men are forward and venturous enough in what thwarts the Government, but in supporting it seem grave and cautious, nice and timorous, and so filled with Prudentials, till they are as wise as fear can make 'em; The Law is enervated, and becomes useless to its greatest end, which is, the preservation of the whole.

'Tis true, in Publick Causes, the same Integrity is necessary as in Private: But that is but part of a Judge's Duty. He must be Magnanimous as well as Virtuous. And I acknowledge it to be a main and principal part of my duty, as it relates to the King and his People, with hearty resolution to suppress all open Force, and private Confederacies: not thinking any thing little that attempts the Publick Safety; for when the Motives are small, the Danger is greater; when Discontents exceed their Causes.

And for the discharge of my Duty betwixt Party and Party, it is impossible to be performed without those two Cardinal Virtues, [Temper] and [Cleanness of Hands] Temper comprehends Patience, Humility, and Candor. It seems to me that saying, *Be quick to hear, and slow to speak*, was made on purpose for a Judge. No Direction can be apter, and no Character becomes him better: and he that would not be said to have but one Ear, me-thinks should be ashamed to have none. And I appeal to your Lordships experience, if a patient Attention, accompanied with indifferent Parts, and a competency in the Law, with a mind fairly disposed for Information

on or Conviction, will not, as to use and common benefit, exceed the profoundest Knowledge, and most towering Understanding, that is attended with an impetuous haste, either out of a glow of Speaking, or too great a fulness of himself.

And for Humility, Though I will not say that every Impatient Man is proud, (because that may arise from other causes) yet every Proud Man is impatient, sometimes of Information, always of Contradiction: and he must be violent to maintain his own Imperiousness.

Harshness is a needless and unbecoming Provocation: It makes Men hate where they should fear and reverence: And yet by Gentleness I understand, not Tameness, but Moderation; not without Rebukes, but without Taunts.

For Corruption, that Preventer of Law and Destruction of Property, that leaves in the World neither *Bonum* nor *Aequum*; for when he does Right, he does not Justice; and he that sells Justice, will sell Injustice. 'Tis not only to be avoided, but abhorred; and not alone in its direct Approaches, but in Relatives and Servants, those By-ways of Bribery; and it becomes every Man so manifestly to detest it, that it may scar even the attempt: for no Man is sufficiently safe unless to his power he avoids the suspicion as well as the fault. Practice does one; and that which makes me speak this, a publick profession against it, is the way to do the other.

And where Gifts prevail not; yet if Fear, Relations or Popularity sway, 'tis the same thing. If there be a Byass put to a Man, it matters not of what 'tis made. Nay, these are worse than Corruption by Money; for there both sides may have the same Tools, when a Man cannot make himself a Kin, nor his Cause Popular.

And now give me leave, My Lord, to shew why I thought it fit, nay extreamly necessary to say something on the Particulars I have mentioned.

First, To satisfy your Lordship and the World I undertake

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not this Place without the Considerations of the Duty belongs to it. Next, it is some Tye upon a Man not to commit those Errours he hath in publick declaimed against: for he must add Impudence to his Crime, to have his own words fly in his face, with which every Man will upbraid, and no Man can excuse him.

My Lord, In a Discourse on such an Occasion as this, where Men are concern'd in point of Interest, (for so they are when a Judge is made) my Aim is not to say what will please their Humors, but what should satisfy their Minds: Neither am I so vain as to think I shall do that with all; nor much concerned though it fall out so. If Reputation and a Good Name can be got by doing my Duty, 'tis welcome; but if it must be sought by other Arts, I will be no Seeker; especially considering that the Applause of the Multitude, that Contingent Judge of Good and Bad, rather attends the Vain than the Vertuous; and is oftner sought by such too. The Approbation of the Wise, which are the Few; and of the Honest, by which I intend, Men heartily affected to the Government, I acknowledge I earnestly covet: For them that are otherwise, I court not their good opinion, because I fear not their bad; and would not draw that suspicion upon my self, that Men may say, What Ill has he done, that those Men speak so well of him? I never was of their Party, nor never will be. And to be even with them, I think as meanly of them as they do of Loyalty; whose Misfortunes are more to be esteemed than their Triumphs. The good words of such as truly love their Countrey (which no Man ever did that does not love his Prince) indeed I highly prize, and will endeavour to deserve; though your Lordship at this time has been beforehand with me in that Particular; by bestowing them upon me first; and so many, that I am ashamed I have been no better to have made 'em good: But because your Lordship is willing and able to render any Man much better than he is, they ought to be esteemed

esteemed as the proceed of a Generous Nature, and
gent Prudence; which by telling me what I am
kindly insinuate what I should be.

My Lord, I will waste no more of your time, than
those usual Returns of formal Thanks; for they are
or extream wondring at the great Surprizals of the
your; and those humble, yet high Debasements of
which look like Modesty, but is a sort of Bravery.

My Thanks shall be paid in (what the KING
Service to His People. The Wonder will cease when
I get to the Bench: And my Defects are best con-
deavouring to amend them.

F I N I S.

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